

# FITCH, EVEN, TABIN & FLANNERY

ATTORNEYS AND COUNSELLORS AT LAW

*Established in 1859*

SUITE 401L - 1801 K STREET, NW  
WASHINGTON, D.C. 20006-1201

TELEPHONE (202) 419-7000

FACSIMILE (202) 419-7007

## ILLINOIS OFFICE

SUITE 1600 - 120 SOUTH LASALLE STREET, CHICAGO, ILLINOIS 60603-3406

TELEPHONE (312) 577-7000

## CALIFORNIA OFFICE

SUITE 250 - 9276 SCRANTON ROAD, SAN DIEGO, CA 92121-7707

TELEPHONE (619) 552-1311

## COLORADO OFFICE

SUITE 213 - 1942 BROADWAY, BOULDER, COLORADO 80302

TELEPHONE (303) 402-6966

MORGAN L. FITCH, JR.  
FRANCIS A. EVEN\*  
JULIUS TABIN  
JOHN F. FLANNERY  
ROBERT B. JONES  
JAMES J. SCHUMANN  
JAMES J. HAMILL  
TIMOTHY E. LEVSTIK  
JOSEPH E. SHIPLEY  
KENNETH H. SAMPLES  
PHILIP T. PETTI  
JOSEPH T. NABOR  
STEVEN C. SCHROER  
RICHARD A. KABA\*  
KARL R. FINK  
MARK W. HETZLER  
TIMOTHY P. MALONEY  
JAMES P. KRUEGER  
STEPHEN S. FAVAKEH  
EDWARD W. GRAY, JR.\*  
RICHARD E. WAWRZYNIAK  
STEVEN G. PARMELEE  
SHERRI N. BLOUNT\*  
BRUCE R. MANSFIELD  
KENDREW H. COLTON\*  
G. PAUL EDGELL\*  
RICHARD W. SCHUMACHER  
MICHAEL A. SANZO\*

CHRISTOPHER E. GEORGE\*  
SCOTT J. MENGHINI  
EDWARD E. CLAIR  
SANDRA V. SCAVO  
JON A. BIRMINGHAM  
RUDY KRATZ  
RAMON R. HOCH\*  
JOHN E. LYHUS  
STEVEN M. FREELAND  
DONNA E. BECKER  
SEAN R. O'DOWD  
MICHAEL G. VRANICAR  
BRIAN S. CLISE  
MARTIN R. BADER  
DEREK L. PRESTIN  
MARK A. BORSOS  
DAVID R. JAGLOWSKI  
W. BRIAN EDGE\*

## PATENT AGENTS

ERIC J. WHITESELL  
JONATHAN H. BACKENSTOSE  
LILIA I. SAFONOV

## OF COUNSEL

THOMAS F. LEBENS  
GEORGE W. SPELLMIRE, JR.  
LISA M. SOMMER

16235 U.S. PTO  
10/608504  
06/30/03

June 30, 2003

Commissioner of Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, **MS Patent Application**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

\*ADMITTED TO D.C. BAR; D.C. PRACTICE OF  
ALL OTHERS LIMITED TO FEDERAL COURTS  
AND AGENCIES

Re: Continuation Patent Application  
(Division of U.S. application no. 09/471,803)  
Appl. No.: to be assigned  
Filed: herewith  
For: **Nucleotide Sequences Coding for the Export  
of Branched-Chain Amino Acids, Process for  
the Isolation Thereof and Use Thereof**  
Inventor(s): Kennerknecht, *et al.*  
Atty. Dkt.: 7601/80525

Sir:

The following documents are being forwarded herewith for appropriate action by the U.S.  
Patent and Trademark Office:

1. A true copy of application no. 09/471,803, as filed in the U.S. Patent and Trademark Office on December 23, 1999, and naming as inventors:

Nicole Kennerknecht  
Hermann Sahm  
Lothar Eggeling  
Walter Pfefferle

the application comprising:

32 pages of specification (numbered as pages 1-32),  
4 pages of claims (numbered as pages 33-36),  
a one page abstract (numbered as page 37), and  
1 sheet of drawings (labeled as Fig. 1);

2. A copy of the originally executed Declaration (37 C.F.R. § 1.63) and Power of Attorney filed in the parent application (3 pages);
3. A copy of the certified English Translation of the application (42 pages);
4. Preliminary Amendment (4 pages) with one sheet of formal drawings attached;
5. Amendment to Comply with Sequence Listing Rules (7 pages) with 7 pages of Substitute Sequence Listing attached;
6. A 3.5 inch computer diskette containing a computer readable form of the Sequence Listing;
7. Information Disclosure Statement (2 pages);
8. Form PTO-1449, List of References Cited by Applicant (1 page);
9. A copy of the originally executed and recorded Assignment to Degussa-Huls Aktiengesellschaft and Forschungszentrum Julich GmbH filed in the parent application (4 pages); and
10. Two (2) return postcards.

This application is a division of U.S. application no. 09/471,803 filed December 23, 1999, claiming priority to German application no. 199 51 708.8, filed on October 27, 1999.

The entire disclosure of the prior applications, from which an oath or declaration is being supplied herewith in copy form, is considered a part of the disclosure of the accompanying divisional application and is hereby incorporated by reference.

In accordance with the requirements of 37 C.F.R. § 1.53(b), the present divisional application is being filed under the conditions specified in 35 U.S.C. § 120. The inventors named on this divisional application are the same as the inventors named on the parent, and the application is being filed before the patenting, or abandonment of, or termination of proceedings of the parent application (09/471,803).

Applicants hereby request that the certified English translation of the application submitted herewith be used during prosecution.

We are submitting an Information Disclosure Statement which cites references originally submitted in connection with the parent application, U.S. 09/471,803. The present application relies upon 09/471,803 for priority under 35 U.S.C. § 120. Thus, in accordance with 37 C.F.R. § 1.98(d), copies of the listed references are not being submitted. If, for any reason, the Examiner cannot locate a listed reference, Applicants will be happy to submit a copy as a courtesy.

#### **Fee Calculation**

Applicants calculate the filing fee is as follows:

	Total		No. Extra	Rate	Fee
Basic Filing Fee					750.00
Total Claims Fee	44	20=	24	\$ 18.00	432.00
Independent Claims Fee	1	3 =	0	\$ 84.00	0.00
Multiple Dependent Claims Fee				\$ 280.00	280.00
<b>TOTAL FEES DUE</b>					<b>\$ 1,462.00</b>

The Commissioner is hereby authorized to charge the above-listed fees to our Deposit Account No. 16-1135 under Order No. 7601/80525. The Commissioner is further authorized to charge any fee deficiency or credit any overpayment to our Deposit Account No. 16-1135 under Order No. 7601/80525.

Commissioner of Patents  
June 30, 2003  
Page 4

It is respectfully requested that the enclosed postpaid postcards be stamped with the serial number and the date the enclosed documents are received by the PTO and that they be returned as soon as possible.

Respectfully requested,

FITCH, EVEN, TABIN & FLANNERY

A handwritten signature in black ink, reading "Michael A. Sanzo". The signature is written in a cursive, flowing style.

Michael A. Sanzo  
Reg. No. 36,912  
Attorney for Applicants

MAS:ct  
Enclosures